



Attorney Docket No. SHP026.4.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: HORNER ET AL.

SERIAL NO.: 10/766,369

GROUP ART UNIT: 3763

FILED: January 28, 2004

EXAMINER: Unknown

FOR: BIOPSY NEEDLE DEVICE

.....
CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: _____

Jodi Barrus

April 8, 2004

Date
.....

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. _____ Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. X This application claims priority to application Serial No. 09/809,357, now Patent 6,595,955, filed March 15, 2001. Copies of the references listed on the attached PTO-1149 form were provided with the aforementioned parent case and with related case Serial No 10/409,819 filed April 8, 2003.

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. _____ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language as follows:
- c. _____ The following additional information is provided for the Examiner's consideration:

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):

(check one box)

- a. X within three months of the filing date of this application.
(37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. within three months of the date of entry of the national stage as set
forth in 37 C.F.R. § 1.491 in an international application (37 C.F.R.
§ 1.97(b) (2)). No fee or certification is required.
- c. before the date of mailing of a first Office Action on the merits (37
C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event
that a first Office Action on the merits has been issued, please consider
this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37
C.F.R. § 1.97(e) below, or, if no certification has been made, charge our
deposit account a fee in the amount of \$180.00 as required by 37 C.F.R.
§ 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):

(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. §
1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See
37 C.F.R. § 1.97(c) (2)).

- a. No certification; therefore, a fee in the amount of \$180.00 is required by
37 C.F.R. § 1.17(p).
- or
- b. See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that:

- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of the IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designed in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. ☐ some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of the IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designed in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

☐ Please charge Deposit Account No. 19-3542 in the amount of \$180.00 for the above-indicated fee.

☒ No fee is required.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM
ADJUSTMENT)

Applies to original applications (other than design) filed on or after May 29, 2000

- a. ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designed in § 1.56 (c) more than thirty days prior to the filing of the Information Disclosure statement.
- b. ☒ Enclosed herewith is form PTO-1449.
- c. ☐ Copies of cited references are enclosed.
- d. ☐ Some of the listed references were cited in the enclosed International Search Report in a counterpart foreign application.

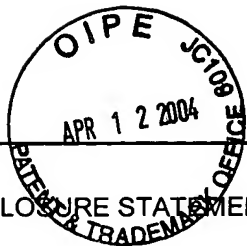
If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 19-3542.

Respectfully Submitted,

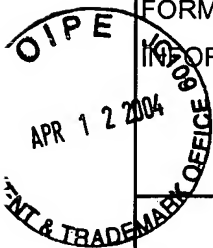
Date: April 8, 2004



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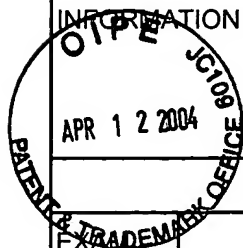


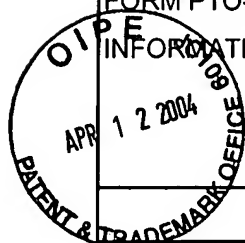
| FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT | | | | ATTY DOCKET NO. SHP026.4.3 | | SERIAL NO. 10/766,369 | |
|---|----|--------------------|----------|----------------------------------|-------|--------------------------|----------------------------|
| | | | | APPLICANT(S): FERGUSON et al. | | | |
| | | | | FILING DATE: January 28, 2004 | | ART UNIT: Unknown | |
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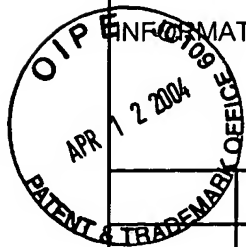
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| FORM PTO-1449 | | | | ATTY DOCKET NO. | | SERIAL NO. | | | |
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| | | | | APPLICANT(S): FERGUSON et al. | | | | | |
| | | | | FILING DATE: January 28, 2004 | | ART UNIT: Unknown | | | |
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| Examiner: | | | | | | | | | |
| Date: | | | | | | | | | |